



Town of Berwyn Heights

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MAYOR
Jodie Kulpa-Eddy

COUNCIL MEMBERS
Christopher Brittan-Powell (Mayor Pro Tem)
Shinita Hemby
Faustino Menjivar
Jason W. Papanikolas

Work Session Minutes September 19, 2022| 7:00 p.m. Council Chamber

Call to Order

Mayor Jodie Kulpa-Eddy called the meeting to order at 7:01. Also present was Councilmember Shinita Hemby, Councilmember Faustino Menjivar and Councilmember Jason Papanikolas as well as Town Clerk Melanie Friesen. Mayor Pro Tem Chris Brittan-Powell and Town Manager Laura Allen joined the meeting remotely. Also present was Sharmila Bhatia from the Board of Election Supervisors and members of the Berwyn Heights community.

Approval of the Agenda

CM Menjivar moved to approve the agenda. CM Hemby seconded. During discussion, MPT Brittan-Powell moved to amend the agenda to add a discussion about the Disaster Relief Fund and to add a discussion to create a workgroup to be more efficient in stormwater management. CM Menjivar moved to approve the agenda as amended. CM Hemby seconded. Mayor Kulpa-Eddy expressed concerns that there was no notice for these discussion items or background documents for the amended items. With no further discussion the motion passed 3-2 with CM Hemby and Mayor Kulpa-Eddy opposing.

1. Mayor

a. Announcements

Mayor Kulpa-Eddy reported on the Executive session that was held on September 16th from 7:34-8:55PM. Mayor reported out on the Executive Session on September 16 at 7:34-8:55PM. The meeting was closed under § 3-305(b)(1) and (b)(7) to discuss a personnel matter and obtain legal advice. All CMs were present, along with Attorney Fred Sussman from the firm Council Baradel; the MPT attended remotely. No actions were taken in the closed session. Tonight, a County engineer was expected to give a presentation on the County Stormwater Drainage Study, but last Thursday he asked to reschedule it. Lastly, she mentioned the Town Council received thank you cards from BHES students and a certificate of appreciation for donations made during the 2021-2022 school year.

b. Election Debriefing, Sharmila Bhatia

Chief Judge of the Board of Election Supervisors (BoES) Sharmila Bhatia shared a report of the May 3, 2022 election. Prior to the election there was a good deal of work done to advertise the election to increase voter turnout. Postcards were ordered and mailed, but the post office did not deliver most of the cards. Only one judge reported ever receiving the post card. The April Bulletin, which contained a great deal of election information, was also not delivered by the post office to most homes in Town. Election banners were located and displayed at two prominent intersections in Town and yard signs were displayed around Town. Ms. Bhatia shared that she would like to see these used again. TC Friesen updated the absentee ballot application to be in line with the Prince George's County absentee ballot application. Ms. Bhatia added that only

15% of registered voters participated in the election, which was disappointing given the work to promote it and the fact that there were a large number of candidates on the ballot. She continued that the Town is one of the municipalities that still use paper ballots and while there are costs associated with using electronic ballots, it may be something to consider. Ms. Bhatia shared that the BoES would like to review and update the Election Ordinance, modernizing and streamlining it to address gaps. CM Papanikolas asked about the differences in voter turnout. Ms. Bhatia reviewed that in 2018 the turnout was also around 15% with 2020 having 33% turnout due to the election being held by mail. Mayor Kulpa-Eddy shared that there has been discussion about absentee ballots being counted early. Ms. Bhatia said that they would like to work towards validating absentee ballots during the day of the election. CM Papanikolas asked if the County would have procedures for this. There was further discussion on the election ordinance including the possibility of adding ranked choice voting, early voting, and dividing the Town into Wards. They also reviewed the cost of the mail-in election of 2020 which was about \$5,000. TM Allen suggested reaching out to the Town Attorney to see what changes need to be made, based on what they want to accomplish. CM Papanikolas stated that the Election Ordinance is fundamental to the democracy of the Town and he would like it to be reviewed. Ms. Bhatia offered to bring the BoES together to begin working on it and then bring it to Council. MPT Brittan-Powell asked that the ordinance be inclusive and asked the Council to consider ways to increase voter registration, especially in Latino communities.

c. July 18th minutes

Mayor Kulpa-Eddy reviewed that these minutes were not approved during the Consent Agenda at the August Town Meeting. MPT Brittan-Powell had made several suggested edits. The edits were discussed, as well as the need to make sure they reflect what occurred in the meeting, as the minutes are the official record of the meeting. There was further discussion about the possibility of meeting videos being the official record, as is the case in some municipalities. Council also reviewed Council Rule 2, which outlines the requirements of the minutes. Ultimately, there were three edits to the July 18th minutes that received consensus 1) to edit the portion regarding Mr. Sweep to reflect there was discussion regarding his comments; 2) to reflect that the question to Director Pudner about not having staff on-site the second night after the storm was prompted by resident comments to MPT Brittan-Powell; and 3) that the ARPA relief suspension came about not because an applicant was ineligible, but rather that the application presented the first opportunity to review the approval process. The amended minutes will be submitted for approval as part of the Consent Agenda at the October Town Meeting.

d. News from the Town Manager

TM Allen provided an update on the APRA projects as she understands where they are to-date. The stormwater study funding has been reallocated to Relief and is the biggest substantial change since the last update. Mayor Kulpa-Eddy also reviewed the Town Calendar but there were no highlights beyond a change in the Rec Council meeting date.

e. Resident Comments

Mayor Kulpa-Eddy asked residents to keep their comments to approximately three minutes to keep the meeting progressing.

Resident Helen Weinrich on Cunningham spoke on the issue of Town flooding and inquired about the status of the flood doors and backflow preventors and would like to know the start date of any relief. She added that there should be direct compensation to residents who have had damage as she thinks that Town bears direct responsibility for

the flooding issues in Town. She added that there are drainage issues beyond what we know about. She also does not think that a new Police Department building should be a priority use for the ARPA funds, that streetlighting and safety should be a priority and asked about Police Department enforcement and accountability.

Resident Jose Valcarcel asked if residents will be allowed to comment on other parts of the meeting or if they will be limited to this time to speak only. Mayor Kulpa-Eddy responded that it will depend on the conversation; if there is time, a succinct and substantive comment could be made to help the Council get their work done.

Resident Claudia Barragan stated that she would like to have the residential and business relief programs separated on the ARPA projects list. She would also like a total of what has been spent on the ARPA projects list separated by fiscal year. She expressed concern about the PTA request for technology, as the way the school has been assessing the utilization of digital devices is biased, especially against Latino students. She also stated that she had found guidance from Treasury on how Homeowner's Assistance programs could be utilized. Finally, she spoke on the Code Compliance Property Maintenance Ordinance Review, stating that the ordinances need to take into consideration Fair Housing Laws as the assumption in Town is that immigrant trash is dirty.

Mr. Valcarcel spoke again briefly, commenting on how the word "transcription" was used during the conversation on Meeting Minutes and how it should be clarified that the Minutes are not a verbatim transcription. He reserved the remainder of his time to speak on the Ordinance review topic.

2. Code Compliance

a. Property Maintenance Ordinance Review

CM Hemby invited TM Allen to report on this item. TM Allen stated that this was first drawn to her attention when she started working at the Town. There is a difference between homeowner-occupied and renter-occupied unit standards. She was bringing this forth to gauge Council interest in addressing the differences and to determine if Council wanted staff to work on it. CM Hemby stated that she would like to hear from residents on this, especially if they feel that they are getting different responses from Code Compliance, before Council begins to work on changing the Ordinance. Mayor Kulpa-Eddy clarified that this is not about making changes today, but rather gauging Council interest in addressing the differences in the future. Mayor Kulpa-Eddy continued that the rental ordinance was recently updated in response to the concerns about short term rentals in Town. She continued that updated standards were included in the revised rental ordinance, but the Council at that time did not update the homeowner ordinance. MPT Brittan-Powell stated he believes the spirit behind this is positive and constructive but would like to make sure that caution is utilized because renters are a more vulnerable population, especially given the current housing market. Mayor Kulpa-Eddy addressed that the ordinance doesn't address structurally sound maintenance and she believes that the Town ought to be concerned about this, regardless of who is living in the property. CM Papanikolas stated that the Rental Ordinance incorporates the Prince George's County standards, whereas the homeowners' does not. CM Papanikolas continued that the Town should not hold renters to a higher standard than homeowners. Mayor Kulpa-Eddy asked if the Commercial Clean Lot Ordinance should be reviewed at the same time. TM Allen will discuss this with Director Goodwin. CM Menjivar asked if there were any fire codes that need to be addressed at the same time. The consensus was that the Council is interested in reviewing the Ordinances.

Resident Jose Valcarcel would like to separate the issues, between Ordinance 120 and

107. He expressed that he agrees that in regard to 107, reaching out to the community is appropriate, but with Ord 120 that most jurisdictions follow whatever building code is most stringent, be it county, state, or international building code.

CM Papanikolas reiterated that he finds it one-sided that renters have different standards than homeowners. CM Hemby clarified that she would like to hear from residents on their experiences with Code on this issue. Mayor Kulpa-Eddy added that rentals will always have the oversight of inspectors that homeowners will not have, as inspections are a condition of having a rental license, which is not something that can be done with homeowners.

CM Hemby gave a general Code Compliance update that inspections are resuming. She stated that storm damage is not being assessed, but standard hazards such as high grass are being addressed.

3. Parks, Recreation, Education, and Civic Affairs

CM Papanikolas shared that since the August Town Meeting, NW/EP had a quick meeting and that he would like to see how the Town can incorporate them into the emergency plan.

a. Technology Grant for BHES

CM Papanikolas shared that this grant is only for the educators, to replace their equipment in the classroom. He expressed understanding of Ms. Barragan's concerns and suggested bringing in County School Board members to listen to those issues. This grant is to replace projectors and the window to purchase these is small, making this somewhat urgent. MPT Brittan-Powell stated this is basic equipment needed in the classroom and is happy to support it. Mayor Kulpa-Eddy asked how the funding will be handled and wants to ensure that it is done in an equitable manner. CM Papanikolas stated that he believes that the money could come from the ARPA budget for educational grants. Mayor Kulpa-Eddy replied that this line item was put on hold until after the needs assessment had been. She stated funding for other schools that Berwyn Heights students go to, such as Greenbelt Middle School and Parkdale High School should also be considered. She asked about advertising the grant. MPT Brittan-Powell stated that he is comfortable trusting CM Papanikolas to reach out to schools. CM Hemby asked why we were only funding five (5) projectors. CM Papanikolas stated it was because the school system is replacing some, and others are being upgraded to a different smartboard that doesn't require projectors. This grant addresses the shortfall. MPT Brittan-Powell expressed his support for using ARPA funds for this purpose. Mayor Kulpa-Eddy wanted to make sure the Council was in agreement to disregard the needs assessment and grant manager processes for this limited purpose. The Council decided to re-open the grant to make it available to all BH residents' schools.

Mr. Valcarcel stated that if other schools are recipients of similar funding, they should be schools where students in Berwyn Heights go.

4. Public Safety

Mayor Kulpa-Eddy reported that she attended the PGCMA meeting last Thursday night, which had a presentation on 5G Small Cell wireless facilities, as well as broadband access which will incorporate I-NET in some fashion. There was also an update on the school boundary issue, which has been delayed for another year. She also attended a Route 1 Leaders Roundtable on stormwater, transportation, and property taxes. She reminded residents to apply for the State Homeowners Tax Credit (if they are eligible) by October 1st. Finally, she shared about the Berwyn Heights Police Department Multicultural event which will be held on October 1st.

5. Public Works

CM Menjivar reminded everyone not to place any plastic bags or other non-recyclables in the

recycling bins. He also reviewed information from the September Bulletin on traffic safety.

6. Administration

a. Ordinance 183C Budget Amendment for Holistic Watershed Study

MPT Brittan-Powell reviewed that at the last meeting, the Council discussed a budget amendment and invited questions from the rest of the Council. CM Papanikolas expressed a desire to see the County storm drain update presentation. MPT Brittan-Powell stated that he had several conversations with the County representative who will be presenting to the Town and expressed confidence in Mr. Griffiths. MPT Brittan-Powell continued that the County has limited resources and that this ordinance will address the financial aspect of a collaborative relationship with the County and any other partners. Mayor Kulpa-Eddy stated that she would like to see the presentation from the County and learn exactly what additional funding is needed. MPT Brittan-Powell expressed that the budget amendment process is lengthy and doing this now will allow the Town to engage the process when the study is ready to go forward. Mayor Kulpa-Eddy reiterated that she would like to see the County's next steps before allocating funds for something and does not want to duplicate County efforts. MPT Brittan-Powell replied that this amendment does not spend any money, just allocates it. CM Papanikolas stated that the Council already introduced the Ordinance and waived the first reading at the September Town Meeting. It was determined that if the County does their presentation in October, then the second reading could be in November with access to the funds by early December. A public hearing will also occur at the October Town Meeting.

b. Disaster Relief Fund Discussion (amended agenda item)

MPT Brittan-Powell shared that one of the concerns with moving the Disaster Relief Fund was that they have an application form drafted. He thanked Dr. Kavanaugh of the Green Team for his assistance. CM Papanikolas stated that he hasn't had the time to review the documents. He suggested taking the time to review this and send comments to MPT Brittan-Powell by Monday, September 26th.

c. Creation of a Council subcommittee for stormwater management (amended agenda item)

MPT Brittan-Powell shared that it was his desire to make worksessions as efficient as possible and wondered in the creation of subcommittees to do some of the work in advance would be helpful. He would like to work with CM Menjivar on stormwater management issues. Mayor Kulpa-Eddy asked what kind of work would be done on the subcommittee. CM Menjivar replied that it would be items such as sidewalks, curbs, and roads. There was discussion over the purpose and process of a creating such a subcommittee. It was determined that the Council would submit suggestions for the procedure on creating a subcommittee to MPT Brittan-Powell, also by September 26th.

7. Adjournment

CM Papanikolas moved to adjourn the meeting. CM Menjivar seconded. After no further discussion, the motion passed unanimously, and the meeting adjourned at 9:15PM.